IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No.23066 of 2008
BIJAY SAO
Versus
THE STATE OF BIHAR
With
Cr. Misc. No.26710 of 2008
DHIRAJ KUMAR
Versus
THE STATE OF BIHAR
---

3 25.09.2008 Since both the above application arise out of one and the same P.S. case, they have been heard together and are being disposed of by this common order. The present case has been registered for offences under Sections 302 and 201/34 of the Indian Penal Code.

Four persons are named accused in this case and petitioners are among themselves.

WEB COPY NOT OFFICIAL

The informant Banaras Prasad, the father of the deceased Kirshna Kumar, who was running a coaching centre had rivalry with co-accused Pankaj Kumar Singh and Sanjeev Kumar @ Chiku, who were also running coaching centre and that due to that co-accused (Pankaj Kumar Singh and Sanjeev Kumar @ Chiku) had asked him (deceased) to close his coaching centre threatening that he would have to face dire consequences, if he did not close his coaching centre. The informant further alleged that on the date of occurrence when he was going with his son (deceased) at village Samayagarh he found that the two petitioners along with other accused were standing there and the accused Pankaj Kumar Singh and Chiku stated to him (informant) that a drama and dance show was being organized in the village and they (Pankaj Kumar Singh and Chiku) requested him (informant) to allow

his son (informant) to go with them to enjoy the show. The informant permitted the deceased to go with them thinking that he would return in the ensuing morning after enjoying the show. But in the next morning some villagers heard that a dead body was lying near in the river. He (informant) went there and saw the dead body of his son (deceased).

Learned counsel for the petitioner submits that the deceased is said to have been taken away by other accused persons, namely, Pankaj Kumar Singh and Sanjay Kumar @ Chiku. Learned counsel for the petitioner submits that the petitioner was not running any coaching centre and that co-accused Sanjeev Kumar @ Chiku and Panjak Kumar Singh, who were running coaching centre had rivalry with the deceased and allegedly they had threatened the deceased. It is also submitted that lastly co-accused Pankaj Kumar Singh and Chiku are said to have requested the deceased's father (informant), to allow the deceased go with them for enjoying the drama and dance show and that the informant has simply stated that at that time the two petitioners were also standing there. Learned counsel submit that the petitioners had no kind of enmity with the deceased and that they were not running any coaching centre to have any kind of rivalry with the deceased. Learned counsel submits that there are no criminal antecedents on the petitioners. The petitioners (Bijay Sao) are said to be in custody since 17.02.2008 and (Dhiraj Kumar) since 20.02.2008.

WEB COPY NOT OFFICIAL

Mr. Ansarul Haque, learned APP appearing on behalf of the State does not point out any other specific material against the

petitioners.

In the facts and circumstances of the case, the petitioners, namely, Bijay Sao and Dhiraj Kumar are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Barh (District – Patna) in connection with Ghoshwari P.S. Case No. 4 of 2008 (G.R. No. 166/2008.

Kundan **(C.M. Prasad, J.)**

WEB COPY NOT OFFICIAL